

**Consideration for preliminary adoption of amendments to fish and wildlife rules in 312 IAC 9;
Administrative Cause No. 12-184D**

The Division of Fish and Wildlife is proposing to amend the following rules:

312 IAC 9-2-14 Fishing, hunting, or trapping without a license by owners and lessees of farmland

- Adds language to address land owned by an estate or trust. This has been an issue in recent years with enforcement of license requirements when the land is in the name of multiple people as part of a trust or an estate

312 IAC 9-2-15 Hunter Orange & Ground Blinds:

- If the hunter is required to wear hunter orange to hunt a species of wild animal, then a ground blind used by that hunter would also have to have hunter orange if used from a half-hour before sunrise to a half-hour after sunset during the deer special youth season, firearms season, muzzleloader season, new primitive muzzleloading season, and special antlerless only season.

312 IAC 9-3-2 General Requirements for deer hunting

- Adds the nonresident youth extra deer bonus antlerless license as a license type for a youth to take deer during the special youth deer season.
- Makes additional technical changes

312 IAC 9-3-3 Equipment for deer hunting

- Allows a draw-loc device to be used with archery equipment when crossbows are allowed to be used during the archery season
- Removes the prohibition on the use of over-and-under combination rifle-shotguns. This prohibition is no longer needed since certain rifle cartridges and shotguns can be used.
- Specifies the muzzleloaders that can be used during the new proposed primitive muzzleloader season
- Specifies that crossbows cannot be used in the archery season from Sept. 15 through Sept. 30

312 IAC 9-3-4 Deer Season dates and bag limits

- Changes the starting date for the archery season to September 15. During the dates of September 15-September 30, crossbows would not be legal to use.
- Adds a new primitive muzzleloader season that would start the first Monday in January and continue for an additional 6 consecutive days. The bag limit would be combined with the bag limit during the regular muzzleloader season (one deer of either sex).

312 IAC 9-3-14.5 Possession of furbearing mammals

- Makes technical corrections to new language to clarify the intent. The revisions approved in 2011 created some confusion, and a few minor changes are needed to clarify what can be done with a furbearer that is taken during the hunting or trapping season.

312 IC 9-3-15 Taking of specified nuisance wild animal to protect property

- Allows private property owners to take a nuisance mute swan on their own property without a permit, which is already allowed for raccoons, opossums, and several other species.
- Also clarifies that legal methods must be used to take nuisance wild animals under this rule

312 IAC 9-3-16 Cottontail Rabbits

- Modifies the rabbit season into a single statewide season beginning Nov. 1 and ending on February 28. This will add days to the current season, but start it later to avoid conflicts with

research that shows that the breeding season runs from mid-February through September, with some young born or in nests through mid-October. The season for public and private land would be the same.

312 IAC 9-3-17 Squirrels

- Modifies the date when a squirrel hunter is required to wear hunter orange to start on Nov. 1 (to match the proposed new starting date for other small game species) and go through the remainder of the season.
- Clarifies who can take a southern flying squirrel

312 IAC 9-4-2: General requirements for migratory birds and waterfowl

- Exempts Eurasian collared doves from the species for which a person must register through the Harvest Information Program. They are not a federally protected species.
- Adds the requirement to use only non-toxic shot for hunting mourning doves on state properties in 312 IAC 9-4-2. Currently, this provision is only in the DNR property rule (312 IAC 8-2-3(k) which is effective on January 1, 2013), which has a penalty of an infraction instead of a Class C misdemeanor.
- Adds language to address Eurasian collared doves in the bag limit for mourning doves. When hunting mourning doves, Eurasian collared doves would be able to be harvested and not count against the individual daily bag limit if the head and at least one wing is left on all harvested doves while in the field.
- Because of the statutory change in IC 14-22-6-2 that removed the exemption for federal permit holders from having to get a state permit, the following changes are also proposed: (1) clarifies who can possess and take migratory birds, (2) adds exemptions for people to possess and sell raptors under a federal raptor propagation permit and waterfowl under a federal waterfowl sale and disposal permit without a permit from the DNR, (3) add exemptions for the possession of captive-reared mallard ducks in accordance with federal law without a permit from the DNR, and (4) adds a requirement for a depredation permit from the state to take a nuisance migratory bird.
- Adds language to allow an individual to take the nest and eggs of Canada geese between March 1 and June 30 in accordance with 50 CFR 21.50 without a permit from the DNR.
- Requires an individual to have a permit from the DNR to take a live Canada goose that is causing damage or threatening to cause damage to property or causing a health or safety threat to persons or domestic animals (we are already doing this for the most part).

312 IAC 9-4-8: Ring-necked Pheasants

- Modifies the pheasant season dates to be concurrent with the quail season in the north zone from November 1 – December 15. Pheasant habitat is disappearing across the Indiana range and our public lands in northern Indiana likely have or will become the reservoirs for pheasants to repopulate marginal habitat after significant weather disturbances. Wild pheasant populations are in decline across their range in Indiana, and hen pheasant survival is of utmost importance.

312 IAC 9-4-9: Bobwhite Quail:

- Modifies the north/south boundary of the bobwhite quail zones by making I-74 the dividing line. The north/south boundary changes fit both climate data and research/monitoring data more appropriately than the current boundary. This would allow for an earlier start to the quail season (Nov. 1) and can reduce additive mortality without significantly reducing the season length. There is a lack of appropriate quail habitat north of Marion County when compared to habitat

south of Marion County. This would give small game hunters an additional weekend to hunt prior to the deer firearms season.

- Also modifies the quail season dates by subtracting 2 days from the season in the south (Nov. 1-Jan. 10) and reduce the bag limit in the north to 4 (north quail season would run from Nov. 1 – Dec. 15).

312 IAC 9-4-14: Endangered species of birds (Peregrine Falcon)

- Removes the peregrine falcon from the list of state endangered species. Following a successful restoration in the Midwest and Indiana, the population of peregrine falcons has increased steadily in Indiana and adjacent states. This species was removed from the federal endangered species list in 1999. The Bird Technical Advisory Committee, in its advisory role to Indiana's Wildlife Diversity Program, established de-listing criteria for this species in early 2011. These criteria are to have 16 occupied territories annually for 3 consecutive years with a minimum productivity level of 2.0 young /active nest. This goal was achieved in 2011 with 17 territories and productivity of 2.3 young/active nest. Historically, the number of peregrine falcons was 3-4 pairs and the initial goal of Indiana's restoration effort was to establish and maintain four pairs in the state.

312 IAC 9-7-6: Black Bass

- Changes the black bass 12-15 inch slot size limit at Scales Lake in Warrick County back to the statewide 14 inch minimum size limit. The key management objective at this lake is to provide a high quality bluegill fishery, in line with angler preference as measured at the lake. This change is expected to increase bass densities, which is the key to maintaining a balanced bluegill population that exhibits optimal growth rates.
- Removes the special language for black bass in Gibson Lake in Gibson County because it was closed to public fishing by Duke Energy in 2007 based on selenium levels in the fish, and it doesn't appear it will reopen to public fishing.
- Adds a 12-15 inch protected slot length limit for bass (standard 5 bass bag limit) with not more than two bass over 15 inches at Big Long Lake in LaGrange County. The DNR has documented an overabundance of small bass over several years that limits bass fishing quality and threatens to negatively impact a very good bluegill fishery. Meetings with the lake association indicate their support for this proposal.

312 IAC 9-7-12: Walleye

- Adds a special 16 inch walleye size limit and 2 walleye bag limit for Wall Lake in LaGrange County. This proposal is supported by the Wall lake Fisherman's Association who funded the first three walleye stockings until the Division of Fish and Wildlife was in a position to assume this responsibility as planned. This plan to develop a walleye fishery to help combat a stunted, slow-growing bluegill population dates back to 2003. This is a unique situation where additional and larger predator fish can make a difference in not only adding good walleye fishing but could also improving bluegill fishing. Walleye harvest is currently believed to be limiting achievement of these objectives.

312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit

- Removes lake whitefish from the list since a new rule is proposed in 312 IAC 9-7-15 that would create a bag limit
- Since bowfin are a roe-bearing species and the harvesting and selling of roe is prohibited by statute and rule except with a roe harvester's license, rule language is needed to clarify that a sport angler cannot remove and possess or sell the roe from bowfin. Bowfin can be taken and eaten, but the roe could not be taken out of the fish except with a roe harvester's license.

312 IAC 9-7-15: Lake Whitefish

- Allows no more than twelve (12) lake whitefish to be taken per day. Lake whitefish catches are becoming more common along our Lake Michigan shoreline and there currently is no bag limit. Illinois is preparing a 12 fish limit which will be consistent with this proposal. Lake whitefish are in the salmon family.

312 IAC 9-7-20: Shovelnose sturgeon

- Since shovelnose sturgeon are a roe-bearing species and the harvesting and selling of roe is prohibited by statute and rule except with a roe harvester's license, rule language is needed to clarify that a sport angler cannot remove and possess or sell the roe from bowfin. Bowfin can be taken and eaten, but the roe could not be taken out of the fish except with a roe harvester's license.

312 IAC 9-9-4: Mussels:

- Adds the Round Hickorynut as an endangered species of mussel. Research by our malacologist around the state has indicated that this species meets the requirements of the law as an endangered species and now needs to be listed as endangered to prevent extirpation.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #12-

DIGEST

Amends 312 IAC 9-2-14 to clarify license exemptions for holders of an estate or a trustee. Adds 312 IAC 9-2-15 governing the use of hunter orange on ground blinds. Amends 312 IAC 9-3-2 to clarify hunter orange requirements and the deer license bundle. Amends 312 IAC 9-3-3 to add the recurve bow for the archery season and specify equipment for the early archery season and primitive muzzleloader season. Amends 312 IAC 9-3-4 by adding a new early archery season and primitive muzzleloader season. Amends 312 IAC 9-3-14.5 governing the use of a furbearing mammal that is trapped. Amends 312 IAC 9-3-15 to add the mute swan to the list of species that a resident landowners or tenant can take without a permit. Amends 312 IAC 9-3-16 by modifying the cottontail rabbit season. Amends 312 IAC 9-3-17 by modifying the dates in which a squirrel hunter must wear hunter orange. Amends 312 IAC 9-4-2 governing the taking, possession, and sale of migratory birds and waterfowl. Amends 312 IAC 9-4-8 governing the season dates for ring-necked pheasants. Amends 312 IAC 9-4-9 governing the season dates and zones for hunting northern bobwhite quail. Amends 312 IAC 9-4-14 by removing the peregrine falcon from the list of endangered species. Amends 312 IAC 9-7-6 governing black bass taken from Scales Lake in Warrick county, Gibson Lake in Gibson county, and Big Long Lake in LaGrange county. Amends 312 IAC 9-7-12 governing the taking of walleye from Wall Lake in LaGrange county. Amends 312 IAC 9-7-14 by removing lake whitefish from the list of fish in which there is no bag limit, possession limit, or size limit and clarifying the harvest and possession of roe from bowfin. Adds 312 IAC 9-7-15 governing the taking of lake whitefish. Amends 312 IAC 9-7-20 governing shovelnose sturgeon to clarify the harvest and possession of roe from shovelnose sturgeon. Amends 312 IAC 9-9-4 by adding the round hickorynut to the list of endangered species of invertebrates. Effective thirty days after filing with the Publisher.

312 IAC 9-2-14; 312 IAC 9-2-15; 312 IAC 9-3-2; 312 IAC 9-3-3; 312 IAC 9-3-4; 312 IAC 9-3-14.5; 312 IAC 9-3-15; 312 IAC 9-3-16; 312 IAC 9-3-17; 312 IAC 9-4-2; 312 IAC 9-4-8; 312 IAC 9-4-9; 312 IAC 9-4-14; 312 IAC 9-7-6; 312 IAC 9-7-12; 312 IAC 9-7-14; 312 IAC 9-7-15; 312 IAC 9-7-20; 312 IAC 9-9-4

SECTION 1. 312 IAC 9-2-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-14 Fishing, hunting, and trapping without a license by owners and lessees of farmland

Authority: IC 14-22-6-1; IC 14-22-11-1

Affected: IC 14-22

Sec. 1. (a) An owner or a lessee of farmland, and immediate family members of the owner or lessee **that live with the owner**, if exempted under IC 14-22-11-1, may:

- (1) fish;
- (2) hunt; or
- (3) trap;

on the farmland without obtaining a license under this article.

(b) As used in this section, "owner" means either:

- (1) an individual listed on the tax assessment roll and whose name appears on the title to the property;
- (2) a business entity whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family.

(3) an individual serving as a trustee and any named trust beneficiaries that are comprised solely of the members of an immediate family for trust property as defined in IC 30-4-1-2.

(c) As used in this section, "lessee" means either:

- (1) an individual to whom a lease is made for the farmland and who farms that land;
- (2) a business entity to which a lease is made for the farmland and whose shareholders, partners, members, or owners are comprised solely of the members of an immediate family who farm that land.

(d) As used in this section, "business entity" means:

- (1) a corporation;
- (2) a limited liability company;
- (3) a partnership; ~~or~~
- (4) any legal entity organized for a profitable or charitable purpose.

(e) As used in this section, "owner" does not include an individual that is an heir to an estate as defined in IC 29-1-1-3.

(Natural Resources Commission; 312 IAC 9-2-14; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 2. 312 IAC 9-2-15 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-2-15 General requirements for hunter orange on ground blinds

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

(a) An occupied ground blind must have at least one hundred forty-four (144) square inches of hunter orange that is visible on each side of the blind from one-half (1/2) hour before sunrise to one-half hour (1/2) after sunset, while hunting any species of wild animal in which the hunter is required to wear hunter orange in accordance with IC 14-22-38-7 during the deer:

- (1) special youth season as established in 312 IAC 9-3-4(b);**

- (2) firearms season as established in 312 IAC 9-3-4(e);
- (3) muzzleloading season established in 312 IAC 9-3-4(f);
- (4) primitive muzzleloading season established in 312 IAC 9-3-4(i); and
- (5) special antlerless only season established in 312 IAC 9-3-4(h) in the locations where authorized.

SECTION 3. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General requirements and licenses for hunting deer

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22; IC 35-47-2

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the:

- (1) hunting;
 - (2) transportation; and
 - (3) disposal;
- of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.
- (2) Sections 3 through 9 of this rule.

An individual who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified in this section are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, an individual must not hunt deer:

- (1) unless the individual possesses a completed and signed license authorized under this section bearing the individual's name; or
- (2) with a deer license issued to another individual.

(e) A youth hunter may take a deer during the youth deer season established in section 4(b) of this rule only if:

- (1) issued a license to hunt deer with:
 - (A) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
 - (B) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);
 - (C) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);
 - (D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);
 - (E) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(32);
 - (F) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
 - (G) **a nonresident youth extra deer bonus antlerless license under IC 14-22-12-1(a)(32);**
 - ~~(G)~~ (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
 - ~~(H)~~ (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
 - ~~(I)~~ (J) an apprentice license of the types identified in clauses (A) through ~~(F)~~ (G) under IC 14-22-12-1.7; or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(f) An individual may take a deer with a long bow, a recurve bow, or a compound bow during the archery season established in section 4(c) of this rule only if:

(1) issued a license to hunt deer by bow and arrows with:

- (A) a resident deer archery license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
- (B) a nonresident deer archery license under IC 14-22-12-1(a)(17);
- (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
- (D) a nonresident youth deer archery license under IC 14-22-12-1(a)(31);
- (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
- (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
- (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
- (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
- (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(g) An individual may take a deer with a crossbow during the archery season established in section 4(c) of this rule only if:

(1) issued a license to hunt deer with:

- (A) a resident extra deer crossbow license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
- (B) a nonresident extra deer crossbow license under IC 14-22-12-1(a)(17);
- (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
- (D) a nonresident youth extra deer crossbow license under IC 14-22-12-1(a)(31);
- (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
- (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
- (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
- (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
- (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(h) An individual may take a deer with a firearm during the firearms season established in section 4(e) of this rule only if:

(1) issued a license to hunt deer by firearms with:

- (A) a resident deer firearms license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);
- (B) a nonresident deer firearms license under IC 14-22-12-1(a)(15);
- (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
- (D) a nonresident youth deer firearms license under IC 14-22-12-1(a)(29);
- (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
- (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
- (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
- (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
- (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or

(2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(i) An individual may take a deer with a muzzleloader during the muzzleloader seasons established in section 4(f) **and 4(i)** of this rule only if:

- (1) issued a license to hunt deer by a muzzleloader with:
 - (A) a resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);
 - (B) a nonresident deer muzzleloader license under IC 14-22-12-1(a)(16);
 - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
 - (D) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);
 - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
 - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
 - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
 - (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);
 - (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
 - (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(j) **An individual may take a deer with a muzzleloader during the primitive muzzleloader season established in section 4(i) of this rule only if:**

- (1) **issued a license to hunt deer by a muzzleloader with:**
 - (A) a resident deer muzzleloader license under IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);**
 - (B) a nonresident deer muzzleloader license under IC 14-22-12-1(a)(16);**
 - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);**
 - (D) a nonresident youth deer muzzleloader license under IC 14-22-12-1(a)(30);**
 - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);**
 - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);**
 - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);**
 - (H) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4);**
 - (I) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or**
 - (J) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7; or**
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.**

⚡ (k) An individual may take a deer during the urban deer season established in section 4(d) of this rule only if:

- (1) issued a license to hunt deer with:
 - (A) a resident extra urban deer zone license under IC 14-22-12-1(a)(18);
 - (B) a nonresident extra urban deer zone license under IC 14-22-12-1(a)(19);
 - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
 - (D) a nonresident youth extra urban deer zone license under IC 14-22-12-1(a)(32);
 - (E) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7;
 - (F) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4); or
 - (G) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

~~(k)~~ **(l)** An individual may take a deer during the special antlerless deer season established in section 4(h) of this rule only if:

- (1) issued a license to hunt deer with:
 - (A) a resident extra deer bonus antlerless license under IC 14-22-12-1(a)(18);
 - (B) a nonresident extra deer bonus antlerless license under IC 14-22-12-1(a)(19);
 - (C) a resident youth consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);
 - (D) a nonresident youth extra deer bonus antlerless license under IC 14-22-12-1(a)(32);
 - (E) a resident extra deer license bundle under IC 14-22-12-1(a)(18);
 - (F) a nonresident extra deer license bundle under IC 14-22-12-1(a)(19);
 - (G) a nonresident youth extra deer license bundle under IC 14-22-12-1(a)(32);
 - (H) an apprentice license of the types identified in clauses (A) through (G) under IC 14-22-12-1.7;
 - (I) a lifetime comprehensive hunting license under IC 14-22-12-7(a)(4); or
 - (J) a lifetime comprehensive hunting and fishing license under IC 14-22-12-7(a)(5); or
- (2) hunting deer without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

~~(h)~~ **(m)** An individual may take an antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, only as authorized under section 4(g) and 4(h) of this rule.

~~(m)~~ **(n)** An individual must, immediately upon taking a deer, record on a piece of paper the following:

- (1) The name and address of the individual who took the deer.
- (2) The license number (if applicable) of the individual who took the deer.
- (3) The sex of the deer.
- (4) The month and day the deer was taken.

The individual that takes the deer must retain possession of the completed piece of paper until the paper is attached to the deer. The piece of paper must be attached to the deer if the individual who takes the deer does not maintain direct physical control of and constant visual contact with the deer carcass.

~~(n)~~ **(o)** An individual who takes a deer must do one of the following:

- (1) Cause delivery of the deer carcass to an official checking station for registration in the name of the individual who took the deer; or
 - (2) Cause the reporting of the take by providing the information required by the department's electronic harvest reporting system;
- on the occurrence of the earlier of the following:
- (A) Within forty-eight (48) hours of the taking of the deer.
 - (B) Before the deer is removed from this state.

The individual who delivers the deer carcass to an official checking station for registration or reports the take on the department's electronic harvest reporting system must provide true and accurate information that includes the information on the piece of paper described in subsection ~~(m)~~ **(n)**.

~~(o)~~ **(p)** The head of a deer must remain attached to the carcass until the deer is registered either at an official checking station or through the department's electronic harvest reporting system.

~~(p)~~ **(q)** When a deer is registered:

- (1) At an official deer checking station, the checking station operator must record the permanent seal number on the log, collect the piece of paper described in subsection ~~(m)~~ **(n)**, and give the seal to the individual. The individual must immediately affix the seal:
 - (A) between a tendon and bone;
 - (B) through a section of skin or flesh; or
 - (C) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

(2) Using the department's electronic harvest reporting system, the individual who took the deer must record the confirmation number on the piece of paper described in subsection (m). This confirmation number must be maintained with the deer until processing of the deer begins.

~~(q)~~ (r) The checking station operator must do the following:

- (1) Accurately and legibly complete all forms provided by the department.
- (2) Make those forms available to department personnel upon request.

~~(s)~~ (s) The permanent seal issued by the checking station or the department's electronic harvest confirmation number must be maintained with a deer that is gifted to another individual until processing of the deer begins.

~~(t)~~ (t) An individual must not hunt deer except from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

~~(u)~~ (u) An individual must wear hunter orange:

- (1) in a season set forth in sections 4(b), 4(e), 4(f), and ~~(4)(h)~~ **4(i)** of this rule; ~~and~~
- (2) in that portion of the archery season **or urban deer season** set forth in section 4(c) **or 4(d)** of this rule that overlaps a season set forth in section **4(b)**, 4(e), 4(f), ~~and (4)(h)~~, **and (4)(i)** of this rule; ~~and~~
- (3) when firearms are authorized under section 8(b) of this rule; ~~and~~
- (4) in the special antlerless season in the locations where the season is authorized in section 4(h) of this rule.**

(u) ~~A ground blind that is:~~

- ~~—(1) occupied must contain a minimum of one hundred forty four (144) square inches of material on each side that is solid hunter orange and is visible from any direction during:~~
 - ~~——(A) a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule; and~~
 - ~~——(B) that portion of the archery season set forth in section 4(c) of this rule that overlaps a season set forth in section 4(e), 4(f), and (4)(h) of this rule;~~
- ~~—(2) left unoccupied on department property must visibly bear the name and address of the owner written in the English language in a conspicuous location on the outside of the blind near the entrance.~~

(v) An individual must not take more than one (1) antlered deer during the special youth, archery, firearm, and muzzleloader seasons authorized in section 4 of this rule from the first day of the special youth deer season of one (1) calendar year through the last day of the archery season in the following calendar year.

(w) An individual must not hunt deer with the use or aid of:

- (1) bait, which includes:
 - (A) a food that is transported and placed for consumption, including, but not limited to, piles of corn and apples placed in the field;
 - (B) a prepared solid or liquid that is manufactured and intended for consumption by livestock or wild deer, including, but not limited to, commercial baits and food supplements;
 - (C) salt; or
 - (D) mineral supplements;
- (2) snares;
- (3) dogs; or
- (4) other domesticated animals.

The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(x) An area is considered baited for ten (10) days after the removal of the bait and the baited soil. Hunting an area, such as an orchard, which may be attractive to deer as the result of normal agricultural activity, is not prohibited.

(y) Notwithstanding subsection (w), an individual may use dogs only while on a leash to track or trail wounded deer.

(z) Notwithstanding subsection (w), an individual may use:

- (1) donkeys;
- (2) mules; and
- (3) horses;

for transportation to and from a hunt but not while hunting.

(aa) An individual must not hunt white-tailed deer possessed under the authority of a game breeder license under 312 IAC 9-10-4.

(bb) An individual may possess a handgun in accordance with IC 35-47 while hunting deer

(cc) "Deer license bundle" means a multiple privilege deer license that **replaces a valid deer hunting license and** allows an individual to take one (1) antlered deer and two (2) antlerless deer or three (3) antlerless deer **in accordance with this section and sections 3 and 4 of this rule in the following seasons combined in one (1) year:**

- (1) special youth;
- (2) archery;
- (3) firearms;
- (4) muzzleloader; ~~and~~
- (5) special antlerless only; **and**
- (6) primitive muzzleloader**

~~seasons combined in one (1) year in accordance with the provisions in this section and sections 3 and 4 of this rule.~~ **Antlerless deer taken under this subsection must be in accordance with the bag limit for antlerless deer for each season established in section 4 of this rule and may not exceed the county quota for antlerless deer established by temporary rule established in section 4(h) of this rule.**

(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; errata filed Jul 21, 2006, 1:56 p.m.: 20060802-IR-312050214ACA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA; errata filed Jan 10, 2012, 1:19 p.m.: 20120125-IR-312120006ACA; filed Jul 9, 2012, 3:00 p.m.: 20120808-IR-312120065FRA)

SECTION 4. 312 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-3 Equipment for deer hunting

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22; IC 35-47-2

Sec. 3. (a) During the youth special deer season established in section 4(b) of this rule, a youth hunter must hunt deer only with the following equipment:

- (1) A bow and arrow as described in subsection (b)(1) through (b)(5).
- (2) A crossbow as defined in 312 IAC 9-1-5.3.
- (3) A shotgun as described in subsection (d)(1).
- (4) A muzzleloading long gun as described in subsection (d)(3).
- (5) A rifle, with the use of cartridges described in subsection (d)(4).

(b) **Except as otherwise provided in this section**, during the archery season established in section 4(c) of this rule, an individual must hunt deer only with the following equipment:

(1) A long bow, **recurve bow**, or compound bow that has at least thirty-five (35) pounds pull with a valid license identified at section 2(f) of this rule.

(2) A crossbow with a valid license identified at section 2(g) of this rule.

(3) Arrows or bolts must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(4) Poisoned or explosive arrows or bolts are unlawful.

(5) For long bows, recurve bows, and compound bows;

~~(A) bows drawn, held, or released other than by hand or hand held releases are unlawful; and~~

~~(B) no portion of the bow's riser (handle) or any:~~

- (i) track;
- (ii) trough;
- (iii) channel;
- (iv) arrow rest; or
- (v) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(c) During the firearms season established in section 4(e) of this rule and the special antlerless season established in section

4(h) of this rule, an individual must hunt deer only with any of the following equipment:

- (1) A shotgun.
- (2) A shotgun with rifled barrel.
- (3) A handgun.
- (4) A muzzleloading long gun.
- (5) A muzzleloading handgun.
- (6) A rifle, with the use of cartridges described in subsection (d)(4) only.

(d) As used in section 2 of this rule, this section, and sections 4 through 8 of this rule, a firearm must meet the following specifications:

(1) A shotgun must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile.

(2) A handgun must:

(A) conform to the requirements of IC 35-47-2;

(B) have a barrel at least four (4) inches long;

(C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger; and

(D) not be a rifle that has a barrel less than eighteen (18) inches or is designed or redesigned to be fired from the shoulder.

The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. Full metal jacketed bullets are unlawful. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

(3) A muzzleloading long gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the

breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet.

(4) A rifle must fire a cartridge that meets the following specifications:

- (A) Fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger.
- (B) Have a minimum case length of one and sixteen-hundredths (1.16) inches.
- (C) Have a maximum case length of one and eight-tenths (1.8) inches.

~~—(5) Over and under combination rifle shotguns are prohibited.~~

(e) During the muzzleloader season established in section 4(f) of this rule, an individual must hunt deer only with a:

- (1) muzzleloading long gun as described in subsection (d)(3); or
- (2) muzzleloading handgun as described in subsection (d)(3).

(f) During the primitive muzzleloader season established in section 4(i) of this rule, an individual may hunt deer only with a muzzleloading long gun as follows:

- (1) fire black powder or black powder substitute;**
- (2) have a traditional, external side-hammer design;**
- (3) be capable of being loaded only from the muzzle;**
- (4) have a caliber of at least .45;**
- (5) be loaded with a bullet at least four hundred forty thousandths (.440) of an inch diameter;**
- (5) have an ignition system that is flintlock or caplock;**
- (6) use a lead round ball or lead conical bullet without plastic or other sabot;**
- (7) have traditional-style open sights (fixed or adjustable v-notched rear sight, buckhorn rear sight, metallic rear peep sight, and post or blade front sight); and**
- (8) not have telescopic or other sights that incorporate glass or electronics.**

(g) During the urban deer season established in section 4(d) of this rule, an individual must hunt deer with bows and arrows described in section 3(b) of this rule.

(h) From September 15 through September 30, an individual may hunt deer during the archery season described in section 4(c) of this rule with a long bow, recurve bow, or compound bow described in subsection (b) of this rule that is not drawn, held, or released other than by hand or hand-held releases.

~~(i)~~ (i) An individual must not erect, place, or hunt from a permanent tree or ground blind on state owned lands. A tree or ground blind placed on:

- (1) a DNR property as defined at 312 IAC 8-1-4(3);
- (2) U.S. Forest Service lands; or
- (3) any national wildlife refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each tree or ground blind must be legibly marked with the name, address, and telephone number of the owner of the blind in the English language.

~~(j)~~ (j) An individual must not use infrared sensors to locate or take deer. An individual must not hunt or retrieve deer with the aid of an infrared detector.

⊕ (k) An individual must not possess or use an electronic deer call while hunting deer. (*Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101F*

SECTION 5. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-4 Season dates and bag limits

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 4. (a) An individual must not take more than one (1) deer with each deer license.

(b) The special youth deer season is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(1) The seasonal limit for hunting deer under this subsection is one (1) antlered deer and the number of antlerless deer established under subsection (g) for the county being hunted.

(2) A youth hunter who takes an antlered deer under this subsection may not take another antlered deer during the:

- (A) archery seasons established in subsection (c);
- (B) firearm season established in subsection (e); or
- (C) muzzleloader season established in subsection (f).

(3) As used in this section, "youth" means an individual who is less than eighteen (18) years of age by the date of the hunt.

(4) A youth who hunts a deer under this subsection must be accompanied by an adult of at least eighteen (18) years of age who:

- (A) does not possess a firearm, bow and arrow, or crossbow while in the field;
- (B) possesses a valid hunting license of any type that is not an apprentice license;
- (C) must not accompany more than two (2) youth hunters at any one (1) time; and
- (D) must be in close proximity and able to communicate with the youth hunter at all times.

(c) The archery deer season is from ~~October 1~~ **September 15** through the first Sunday in January. An individual must take not more than two (2) deer of which only one (1) may be antlered under this subsection.

(d) The urban deer season is as follows:

(1) From September 15 through January 31 of the following year in an urban deer zone.

(2) Under this subsection:

- (A) An individual must take not more than four (4) deer of which only one (1) may be antlered.
- (B) At least one (1) antlerless deer must be taken in an urban deer zone prior to taking an antlered deer.

(3) A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(4) The following areas have been designated as urban deer zones subject to the urban deer season:

- (A) The Indianapolis urban deer zone includes the following:
 - (i) All of Marion County.
 - (ii) That portion of Hendricks County east of State Highway 267.

- (iii) The southeast portion of Boone County as bounded by the following:
 - (AA) State Highway 267.
 - (BB) Interstate Highway 65.
 - (CC) State Highway 32.
 - (iv) That portion of Hamilton County south of State Highway 32.
 - (B) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.
 - (C) The Evansville urban deer zone includes all of Vanderburgh County.
 - (D) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.
 - (E) The Lake County urban deer zone includes all of Lake County.
 - (F) The Porter County urban deer zone includes all of Porter County.
 - (G) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.
 - (H) The Warsaw urban deer zone includes the portion of Kosciusko County within the corporate limits of the city of Warsaw.
- (e) The firearms deer season is from the first Saturday after November 11 and continues for an additional fifteen (15) days. An individual must take not more than one (1) antlered deer under this subsection.
- (f) The deer hunting season for only using a muzzleloading long gun or muzzleloading handgun is from the first Saturday after the closing day of firearms season as established in subsection (e) and continues for an additional fifteen (15) days. An individual must not take more than one (1) deer of either sex under this subsection.
- (g) The season and bag limit for hunting antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, shall be established on an annual basis by a temporary rule authorized by the director.
- (h) The special antlerless deer season is from December 26 through the first Sunday in January of the following year in counties with an antlerless quota of four (4) or more deer. An individual may take only antlerless deer under this subsection and may take only the number established under subsection (g) for the county being hunted.

(i) The primitive muzzleloader season is from the first Monday in January and continues for an additional six (6) consecutive days with the equipment described in section (3)(f) of this rule. An individual must not take more than one (1) deer of either sex under this subsection and subsection 4(f) combined.

(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Nov 3, 2009, 3:34 p.m.: 20091202-IR-312090044FRA; filed Nov 12, 2009, 3:53 p.m.: 20091209-IR-312090060FRA; filed Dec 1, 2011, 4:01 p.m.: 20111228-IR-312110101FRA)

SECTION 6. 312 IAC 9-3-14.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-20

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken except as authorized under subsection (d):

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

(b) Notwithstanding subsections (e), (g), and (h), an individual may possess a live furbearing mammal under one (1) of the following:

- (1) A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit in compliance with 312 IAC 9-11.
- (3) A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.
- (4) A scientific purposes license in compliance with 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.
- (6) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (8) A hunting or trapping license during the season established in this rule for that species.**

(c) An individual ~~must not~~ **may** sell a live furbearing mammal ~~except only~~:

- (1) during the hunting and trapping season established in this rule for that species **with a hunting or trapping license**; or
- (2) with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(d) An individual may possess the untanned hide or unprocessed carcass of a furbearing mammal listed in subsection (a) as follows:

- (1) During the hunting and trapping season established in this rule for that species.
- (2) Until May 15 of the year the hunting or trapping season closed as established in this rule for that species.
- (3) Until June 15 of the year the hunting and trapping season closed for that species if the individual submits a report to the department by May 15 on a signed departmental form that lists the number of untanned hides and unprocessed carcasses possessed by species and not sold to a licensed fur buyer.
- (4) With a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-10-12.
- (5) With a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-10-5.
- (6) With a valid special purpose salvage permit in compliance with 312 IAC 9-10-13.5.

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal must either:

- (1) release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture; ~~or~~
- (2) euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site; **or**
- (3) sell, gift, barter, trade, or otherwise transfer the furbearing mammal to another individual within twenty-four (24) hours of capture.**

(f) A captive furbearing mammal that is being transported must be properly handled in an expeditious manner to prevent unnecessary physical injury **to the furbearing mammal**.

(g) An individual who lawfully takes a:

- (1) raccoon;
- (2) red fox;
- (3) gray fox; or
- (4) coyote;

during the trapping season for that species may possess that animal live in captivity during the remainder of the trapping season for that species only as provided in subsections (f) and (h).

(h) After removal from a trap and transport from the trap site, an individual possessing a furbearing mammal under subsection (g) must do the following:

(1) Confine the mammal in a cage or other enclosure as follows:

(A) A cage or other enclosure that:

- (i) makes escape of the mammal unlikely and prevents the entrance of a free-roaming mammal of the same species;
- (ii) is structurally sound;
- (iii) is of sufficient strength for the species involved;
- (iv) is maintained in good repair and smoothly secured to prevent escape or injury to the mammal in the enclosure;
- (v) is constructed to allow sufficient space for individual posture, to turn about freely, and to make normal social movements;
- (vi) is secured when unattended with protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the mammal's health; and
- (vii) has ambient ventilation by means of windows, doors, vents, fans, or air conditioning to protect the health of the mammal and to minimize drafts, odors, and condensation.

(B) Night quarters, transportation cages, and nesting boxes may not be used as primary housing.

(C) Surface water must be adequately drained from a cage or enclosure where the mammal is housed.

(D) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod, if necessary for the mammal in possession.

(2) Provide the following for the comfort of the particular species of mammal:

(A) Fresh, clean drinking water in clean containers on a daily basis.

(B) Appropriate and adequate food that is as follows:

- (i) Unspoiled.
- (ii) Uncontaminated.
- (iii) Appropriate to the dietary needs of the mammal.
- (iv) Of sufficient quantity for the mammal involved.
- (v) Provided on a daily basis.

(C) Adequate shelter from the elements.

(D) Adequate shade.

(3) Remove and dispose of food wastes, feces, urine, and bedding from the enclosure and premises daily to maintain sanitary conditions and protect the mammal and human health.

(4) Remove trash, garbage, debris, and carcasses from the enclosure as soon as they are observed and appropriately disposed of.

(5) Either:

(i) euthanize a mammal possessed under this section no later than the last day of the season for that species; or

(ii) apply for a game breeder license under IC 14-22-20 and 312 IAC 9-10-4 **or wild animal possession permit under IC 14-22-20 and 312 IAC 9-11** within five (5) days after the close of the season for that species.

(6) Make a mammal possessed under this section available for inspection by a conservation officer upon request.

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 201004)

SECTION 7. 312 IAC 9-3-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, squirrels, or mute swans to protect property

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take:

- (1) a beaver;
- (2) a mink;
- (3) a muskrat;
- (4) a long-tailed weasel;
- (5) a red fox;
- (6) a gray fox;
- (7) an opossum;
- (8) a skunk;
- (9) a raccoon;
- (10) a fox squirrel; ~~or~~
- (11) a gray squirrel; **or**
- (12) a mute swan;**

that is discovered while damaging property.

(b) An individual who takes a ~~mammal~~ **wild animal** under subsection (a) must:

- (1) ~~release the mammal on land in the county where the mammal was captured only with permission of the landowner or property manager; or~~
- (2) take the wild animal in accordance with 312 IAC 9-3-18; and either**
- (2) euthanize the ~~mammal~~ wild animal within twenty-four (24) hours of capture; or**
- (3) release the mammal on land in the county where the mammal was captured only with permission of the landowner or property manager.**

(c) An individual who takes a ~~mammal~~ **wild animal** under subsection (a) must not do the following:

- (1) Possess the ~~mammal~~ **wild animal** for more than twenty-four (24) hours.
- (2) Sell, trade, barter, or gift the ~~mammal~~ **wild animal**.

(Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR- 312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; filed Jul 5, 2011, 1:37 p.m.: 20110803-IR- 312100614FRA)

SECTION 8. 312 IAC 9-3-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-16 Cottontail rabbits

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) ~~Except as provided in subsection (e),~~ An individual may take eastern cottontail rabbits (*Sylvilagus floridanus*) from ~~the first Friday of November 1 after November 3~~ through February 15 ~~28~~ of the following year.

(b) An individual may take not more than five (5) eastern cottontail rabbits per day.

(c) ~~An individual may take eastern cottontail rabbits from October 1 through January 31 of the following year within the boundaries of the following:~~

~~(1) The following state fish and wildlife areas managed by the division of fish and wildlife:~~

- ~~(A) Atterbury.~~
- ~~(B) Blue Grass.~~
- ~~(C) Brush Creek.~~
- ~~(D) Chinook.~~
- ~~(E) Crosley.~~
- ~~(F) Fairbanks Landing.~~
- ~~(G) Glendale.~~
- ~~(H) Hillenbrand.~~
- ~~(I) Hovey Lake.~~
- ~~(J) Jasper-Pulaski.~~
- ~~(K) Kankakee.~~
- ~~(L) Kingsbury.~~
- ~~(M) LaSalle.~~
- ~~(N) Minnehaha.~~
- ~~(O) Splinter Ridge.~~
- ~~(P) Sugar Ridge.~~
- ~~(Q) Pigeon River.~~
- ~~(R) Tri-County.~~
- ~~(S) Wilbur Wright.~~
- ~~(T) Willow Slough.~~
- ~~(U) Winamac.~~
- ~~(2) The following lake properties managed by the division of state parks and reservoirs:~~
- ~~(A) Brookville.~~
- ~~(B) Hardy.~~
- ~~(C) J. Edward Roush.~~
- ~~(D) Mississinewa.~~
- ~~(E) Monroe.~~
- ~~(F) Patoka.~~
- ~~(G) Salamonie.~~

~~(d)~~ An individual must not do the following:

- (1) Hunt rabbits unless that person wears hunter orange.
- (2) Remove, dislodge, or attempt to remove or dislodge a rabbit from a hole, den, cavity, or tree hollow with the aid of any of the following:
 - (A) A ferret or other small animal.
 - (B) A mechanical device.
 - (C) A chemical.
 - (D) Smoke.
 - (E) Fire.
 - (F) A fume.

~~(e)~~ **(d)** A person must not possess a live eastern cottontail rabbit outside the season established in ~~subsections~~ **subsection (a) and (e)** except with one (1) of the following:

- (1) A game breeder license under 312 IAC 9-10-4.
- (2) A wild animal possession permit under 312 IAC 9-11.
- (3) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (4) A scientific purposes license under 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

~~(f)~~ **(e)** An individual who lawfully takes a rabbit may give to another individual one (1) or more carcasses of a rabbit, with no compensation of any kind. A rabbit that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.
- (2) The total number of rabbits taken.
- (3) The date the rabbit was taken.
- (4) The signature of the hunter who took the rabbit.

~~(g)~~ **(f)** A carcass of an eastern cottontail rabbit may be possessed by the following:

- (1) The individual who lawfully took the eastern cottontail rabbit during the ~~seasons~~ **season** established in ~~subsections~~ **subsection (a) and (e)**.
- (2) An individual who received the carcass under subsection ~~(f)~~ **(e)**.
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

~~(h)~~ **(g)** A person must not sell a live eastern cottontail rabbit except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4. *(Natural Resources Commission; 312 IAC 9-3-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed July 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)*

SECTION 9. 312 IAC 9-3-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-17 Squirrels

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-20; IC 14-22-21

Sec. 17. (a) An individual may hunt eastern gray squirrels (*Sciurus carolinensis*) and fox squirrels (*Sciurus niger*) from August 15 through January 31 of the following year.

(b) ~~An individual may take~~ **The bag limit for each individual is** not more than five (5) eastern gray squirrels and five (5) fox squirrels per day, in aggregate.

(c) Unless hunting from a boat, an individual hunting squirrels from ~~the first Friday after~~ November 3 **1** through January 31 of the following year must wear hunter orange.

(d) An individual must not shoot into or otherwise disturb the leaf nest or den of a squirrel.

(e) An individual must not take a southern flying squirrel (*Glaucomys volans*) except with a:

- (1) Wild animal rehabilitation permit under 312 IAC 9-10-9;**
- (2) Scientific purposes license under 312 IAC 9-10-6; or**
- (3) Nuisance wild animal control permit under 312 IAC 9-10-11.**

(f) A person must not possess a live squirrel established in subsection (a) except with one (1) of the following:

- (1) A game breeder license under IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit under 312 IAC 9-11.
- (3) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (4) A scientific purposes license under 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(g) A person must not possess a live southern flying squirrel except with one (1) of the following:

- (1) A wild animal possession permit under 312 IAC 9-11.
- (2) A wild animal rehabilitation permit under 312 IAC 9-10-9.
- (3) A scientific purposes license under 312 IAC 9-10-6.
- (4) A nuisance wild animal control permit under 312 IAC 9-10-11.
- (5) An educational or scientific institution registered or licensed with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(h) An individual who lawfully takes a squirrel may give to another individual one (1) or more carcasses of a squirrel, with no compensation of any kind. A squirrel that is gifted must have a tag attached that contains the following information:

- (1) The hunter's name and address.
- (2) The total number of squirrels taken.
- (3) The date the squirrel was taken.
- (4) The signature of the hunter who took the squirrel.

(i) A carcass of a squirrel may be possessed by the following:

- (1) The individual who lawfully took the squirrel during the seasons established in subsections (a) and (c).
- (2) An individual who received the carcass under subsection (f h).
- (3) An individual with a valid taxidermy license under IC 14-22-21 and 312 IAC 9-10-5.
- (4) An individual with a valid scientific purposes license under 312 IAC 9-10-6.
- (5) An individual with a valid nuisance wild animal control permit under 312 IAC 9-10-11.
- (6) An individual with a valid special purpose salvage permit under 312 IAC 9-10-13.5.

(j) A person must not sell a live squirrel listed in subsection (a) except under a valid game breeder license under IC 14-22-20 and 312 IAC 9-10-4. (*Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 1*)

SECTION 10. 312 IAC 9-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-2 General requirements for migratory birds and waterfowl

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) The restrictions in this rule supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) The:

(1) annual seasons;

(2) bag limits;

(3) hunting restrictions; and

(4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt migratory birds and waterfowl, except for mute swans (*Cygnus olor*) and **Eurasian collared doves (*Streptopella decaocto*)**, unless the individual:

(1) is registered with; and

(2) possesses an identification number issued through;
the Harvest Information Program.

(d) Notwithstanding subsection (c), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:

(1) registration with; and

(2) possession of an identification number issued through;
the Harvest Information Program.

(e) For purposes of youth free hunting days under IC 14-22-11-18, a youth hunter means an individual who is less than eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under 312 IAC 9-10-6.

(g) An individual must not hunt American woodcock (*Scolopax minor*) unless that person wears hunter orange.

(h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

(i) An individual must not construct a hunting blind on the water of the state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.

(j) An individual who constructs a hunting blind must cause the removal of the blind from the water of the state from April 1 through August 15.

(k) An individual must not:

(1) construct or place a permanent blind; or

(2) leave a portable blind overnight;

on property owned or leased by the department.

(l) An individual must not possess lead shot while hunting mourning doves on a department property.

(m) An individual may take Eurasian collared doves during the season for hunting mourning doves in accordance with 50 CFR 20. The bag limit for mourning doves does not apply to Eurasian collared doves that are taken as long as the head and a feathered wing are attached. The bag limit for mourning doves does include Eurasian collared doves if the head and feathered wing are not attached.

(n) An individual may take a raptor from the wild only with a:
(1) wild animal rehabilitation permit issued under 312 IAC 9-10-9;
(2) scientific purposes license issued under 312 IAC 9-10-6;
(3) falconry license issued under 312 IAC 9-10-13.1; or
(4) migratory bird depredation permit under 312 IAC 9-10-23.

(o) An individual may take a live migratory bird, other than a raptor, from the wild only:
(1) with a wild animal rehabilitation permit issued under 312 IAC 9-10-9;
(2) with a scientific purposes license issued under 312 IAC 9-10-6;
(3) with a migratory bird depredation permit under 312 IAC 9-10-23;
(4) during a hunting season as authorized in this section and 50 CFR 20;
(5) as authorized in 312 IAC 9-4-7.2 and 50 CFR 21.43 for brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with 312 IAC 9-4-7.2 and 50 CFR 21.43; or
(6) as authorized in subsections (s) and (t) of this rule for a Canada goose.

(p) An individual may possess, breed, and sell raptors with a raptor propagation permit issued by the U.S. Fish and Wildlife Service in accordance with 50 CFR 21.30 without a permit from the department.

(q) A migratory bird that is taken from the wild may be possessed live only:
(1) with a wild animal rehabilitation permit issued under 312 IAC 9-10-9;
(2) with a special purpose educational permit issued under 312 IAC 9-10-9.5;
(3) with a scientific purposes license issued under 312 IAC 9-10-6;
(4) with a falconry license issued under 312 IAC 9-10-13.1; or
(5) as authorized in subsection (r) of this rule.

(r) An individual may possess, breed, and sell captive-bred waterfowl in accordance with 50 CFR 20 without a permit from the department.

(s) An individual may take the nest and eggs of Canada geese between March 1 and June 30 in accordance with 50 CFR 21.50 without a permit from the department.

(t) An individual may take a live Canada goose that is causing damage or threatening to cause damage to property or causing a health or safety threat to persons or domestic animals with a permit from the department.

(u) An individual may take a migratory bird that is causing damage to property or posing a health or safety threat to persons or domestic animals with a migratory bird depredation permit issued under 312 IAC 9-10-23. Exempted from this section is:

- (1) a Canada goose, or the nests and eggs thereof, taken in accordance with a hunting season authorized under 50 CFR 20 or subsections (s) and (t) of this rule;
- (2) a migratory bird taken during a hunting season in accordance with this section and 50 CFR 20; or
- (3) a brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with 312 IAC 9-4-7.2 and 50 CFR 21.43.

(v) The nest of a migratory bird may be taken only:

- (1) in accordance with section (s) or (u) of this rule;
- (2) with a special purpose salvage permit under 312 IAC 9-10-13.5;
- (3) with a scientific purposes license issued under 312 IAC 9-10-6; or
- (4) if unoccupied by a bird or egg and destroyed or relocated.

(Natural Resources Commission; 312 IAC 9-4-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; errata filed Apr 29, 2010, 3:05 p.m.: 20100512-IR-312090479ACA)

SECTION 11. 312 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-8 Pheasants

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) Except as provided in subsection (c), an individual may hunt ring-necked pheasants (*Phasianus colchicus*) from ~~the first Friday after November 3 1 and continuing an additional forty four (44) days~~ **through December 15 of that calendar year.**

(b) Except as provided in subsection ~~(d)~~ (c), an individual may take two (2) cock pheasants per day.

~~(c) An individual may hunt ring-necked pheasants from:~~

- ~~(1) Atterbury;~~
- ~~(2) Crosley;~~
- ~~(3) Glendale;~~
- ~~(4) Jasper Pulaski;~~
- ~~(5) LaSalle;~~
- ~~(6) Pigeon River (west of State Road 3);~~
- ~~(7) Tri County;~~
- ~~(8) Willow Slough (north of County Road 100 North); and~~
- ~~(9) Winamac (south of the abandoned C & O Railroad);~~

~~Fish and Wildlife Areas and from Huntington Lake from the first Friday after November 3 through January 15 of the following year.~~

~~(d)~~ From the Saturday before Thanksgiving through ~~January~~ **December 15 of the following year**, an individual may ~~take hunt~~ two (2) ring-necked pheasants per day of either sex on Atterbury, Crosley, Pigeon River (west of State Road 3), Tri-County, Glendale, **J.E. Roush**, Willow Slough (north of County Road 100 North), and Winamac (south of the abandoned C & O Railroad) Fish and Wildlife Areas ~~and from Huntington Lake~~. During the season established under this subsection, whenever applicable, a hunter must:

- (1) pay designated fees; and
- (2) hunt within assigned units.

~~(c)~~ **(d)** The head and head plumage of a ring-necked pheasant must remain attached to the carcass while the ring-necked pheasant is in transit from the site of taking. (*Natural Resources Commission; 312 IAC 9-4-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2709; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA*)

SECTION 12. 312 IAC 9-4-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-9 Quail

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) An individual may hunt northern bobwhite quail (*Colinus virginianus*) only as follows:

(1) South of ~~State Road 26~~ **Interstate 74**, from ~~the first Friday after~~ November ~~3 1~~ through January ~~15 10~~ of the following year.

(2) North of ~~State Road 26~~ **Interstate 74**, from ~~the first Friday after~~ November ~~3 1~~ ~~and continuing an additional forty four (44) days~~ **through December 15 of that calendar year.**

(b) An individual may take the following number of quail per day:

(1) ~~five (5)~~ **four (4)** northern bobwhite quail north of ~~State Road 26~~ **Interstate 74**; and

(2) eight (8) northern bobwhite quail south of ~~State Road 26~~ **Interstate 74.**

(*Natural Resources Commission; 312 IAC 9-4-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA*)

SECTION 13. 312 IAC 9-4-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-14 Endangered species of birds

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 14. The following species of birds are endangered and are subject to the protections provided under IC 14-22-34-12:

(1) American bittern (*Botaurus lentiginosus*).

(2) Least bittern (*Ixobrychus exilis*).

(3) Black-crowned night-heron (*Nycticorax nycticorax*).

(4) Yellow-crowned night-heron (*Nyctanassa violacea*).

(5) Trumpeter swan (*Cygnus buccinator*).

(6) Osprey (*Pandion haliaetus*).

(7) Northern harrier (*Circus cyaneus*).

~~(8) Peregrine falcon (*Falco peregrinus*).~~

~~(9) Black rail (*Laterallus jamaicensis*).~~

~~(10) (9) King rail (*Rallus elegans*).~~

~~(11) (10) Virginia rail (*Rallus limicola*).~~

~~(12) (11) Common moorhen (*Gallinula chloropus*).~~

~~(13) (12) Whooping crane (*Grus americana*).~~

~~(14) (13) Piping plover (*Charadrius melodus*).~~

~~(15) (14) Upland sandpiper (*Bartramia longicauda*).~~

~~(16) (15) Least tern (*Sterna antillarum*).~~

~~(17) (16) Black tern (*Chlidonias niger*).~~

~~(18) (17) Barn owl (*Tyto alba*).~~

~~(19) (18) Short-eared owl (*Asio flammeus*).~~

~~(20)~~ (19) Sedge wren (*Cisothorus platensis*).
~~(21)~~ (20) Marsh wren (*Cisothorus palustris*).
~~(22)~~ (21) Loggerhead shrike (*Lanius ludovicianus*).
~~(23)~~ (22) Cerulean warbler (*Dendroica cerulea*).
~~(24)~~ (23) Golden-winged warbler (*Vermivora chrysoptera*).
~~(25)~~ (24) Kirtland's warbler (*Dendroica kirtlandii*).
~~(26)~~ (25) Henslow's sparrow (*Ammodramus henslowii*).
~~(27)~~ (26) Yellow-headed blackbird (*Xanthocephalus xanthocephalus*).
(Natural Resources Commission; 312 IAC 9-4-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 14. 312 IAC 9-7-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-6 Black bass

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 6. (a) Except as otherwise provided in this section, an individual may take or possess not more than five (5) black bass in aggregate per day.

(b) An individual may take or possess not more than three (3) black bass from Lake Michigan in aggregate per day. An individual must not possess more than three (3) black bass in aggregate while fishing in or on Lake Michigan.

(c) Except as otherwise provided in this section, an individual must not take or possess a black bass except:

- (1) if taken from rivers or streams in Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Jefferson, Switzerland, Ohio, and Dearborn counties the black bass must be at least twelve (12) inches long; (2) if taken from rivers or streams, except as stated in subdivision (1), the black bass must be greater than fifteen (15) inches long or less than twelve (12) inches long, with not more than two (2) being greater than fifteen (15) inches; or
- (3) if taken from lakes or reservoirs (including Lake Michigan), the black bass must be at least fourteen (14) inches long.

(d) An individual may take or possess largemouth bass of any length in the following lakes:

- (1) Brownstown Pit in Jackson County.
- (2) Burdette Park Lakes in Vanderburgh County.
- (3) Chandler Town Lake in Warrick County.
- (4) Cypress Lake in Jackson County.
- (5) Deming Park Lakes in Vigo County.
- (6) Garvin Park Lake in Vanderburgh County.
- (7) Glen Miller Pond in Wayne County.
- (8) Hayswood Lake in Harrison County.
- (9) Henry County Memorial Park Lake in Henry County.
- (10) Hovey Lake in Posey County.
- (11) Krannert Lake in Marion County.
- (12) Lake Sullivan in Marion County.
- (13) Ruster Lake in Marion County.

(14) Schnebelt Pond in Dearborn County.

(e) An individual must not take or possess a largemouth bass unless the largemouth bass is less than twelve (12) inches long or more than fifteen (15) inches long from the following designated lakes:

- (1) Buffalo Trace Lake in Harrison County.
- (2) Celina Lake in Perry County.
- (3) Indian Lake in Perry County.
- (4) Saddle Lake in Perry County.
- (5) ~~Scales Lake in Warrick County.~~
- (6) ~~Shakamak State Park Lakes in Clay County, Greene County, and Sullivan County.~~
- (7) (6) Tipsaw Lake in Perry County.
- (8) (7) Ferdinand State Forest Lake in Dubois County.
- (9) (8) Montgomery City Park Lake in Daviess County.

(f) An individual may take or possess not more than one (1) largemouth bass from Turtle Creek Reservoir in Sullivan County. An individual must not take or possess a largemouth bass from Turtle Creek Reservoir unless the largemouth bass is at least twenty (20) inches long.

(g) An individual may take or possess not more than five (5) largemouth bass in aggregate per day from Patoka Lake in Orange, Crawford, and Dubois counties or Dogwood Lake in Daviess County. An individual must not take or possess a largemouth bass from Patoka Lake or Dogwood Lake unless the largemouth bass is at least fifteen (15) inches long.

(h) An individual must not take or possess a largemouth bass from Harden Lake in Parke County unless the largemouth bass is at least sixteen (16) inches long.

(i) An individual must not take or possess more than two (2) largemouth bass per day, and an individual must not take or possess a largemouth bass unless the largemouth bass is at least eighteen (18) inches long from the following designated waters:

- (1) Tri-County State Fish and Wildlife Area.
- (2) Robinson Lake in Whitley County and Kosciusko County.
- (3) Ball Lake in Steuben County.
- (4) ~~Gibson Lake in Gibson County.~~
- (5) Loon Pit at Blue Grass Fish and Wildlife Area in Warrick County.
- (6) (5) Bluegrass Pit at Blue Grass Fish and Wildlife Area in Warrick County.
- (7) (6) J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.

(j) An individual must not take or possess more than five (5) black bass in aggregate per day from the Blue River located in Crawford and Harrison counties **and Big Long Lake in LaGrange County**. Each black bass taken from the Blue River in Crawford and Harrison counties **and Big Long Lake in LaGrange County** must be less than twelve (12) inches long or more than fifteen (15) inches long but not more than two (2) per day can be taken that are longer than fifteen (15) inches.

(k) An individual may take or possess not more than one (1) black bass from Sugar Creek located in Parke, Montgomery, Boone, Clinton, and Tipton counties per day and the black bass must be at least twenty (20) inches long.

(l) If this section prohibits an individual from taking or possessing a black bass from a specified water of the state, an individual must not possess a black bass of the prohibited class on or adjacent to the specified water of the state.

(Natural Resources Commission; 312 IAC 9-7-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 549; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Apr 25, 2012, 3:48 p.m.: 20120523-IR-312110358FRA; errata filed Jun 4, 2012, 3:20 p.m.: 20120613-IR-312120283ACA)

SECTION 15. 312 IAC 9-7-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-12 Walleye; sauger; saugeye

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) **Except as provided in subsection (d)**, an individual may take or possess not more than six (6) of any combination of walleye, sauger, or saugeye per day .

(b) Except on the Ohio River, and as provided in ~~subsection~~ **subsections (c) and (d)**, an individual must not take or possess a walleye or saugeye unless it is at least fourteen (14) inches long.

(c) An individual must not take or possess a walleye from the St. Joseph River in St. Joseph County or Elkhart County or from the Elkhart River from its confluence with the St. Joseph River to the first dam in Elkhart County unless it is at least fifteen (15) inches long.

(d) An individual must not take or possess a walleye from Wall Lake in LaGrange County unless it is at least fifteen (16) inches long and take not more than two (2) per day.

(Natural Resources Commission; 312 IAC 9-7-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2719; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 16. 312 IAC 9-7-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-14 Fish with no bag limit, possession limit, or size limit

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 14. (a) There is no bag limit, possession limit, or size limit for the following:

- (1) Alewife.
- (2) American eel.
- (3) Bluegill.
- (4) Bowfin.
- (5) Buffalo.
- (6) Bullhead.
- (7) Carp.
- (8) Chain pickerel.
- (9) Chub.
- (10) Cisco.
- (11) Gar.
- (12) Gizzard shad.
- (13) Lake herring.
- (14) ~~Lake whitefish.~~

- ~~(15)~~ Shad.
- ~~(16)~~ **(15)** Smelt.
- ~~(17)~~ **(16)** Sucker.
- ~~(18)~~ **(17)** Yellow bass.

(b) Notwithstanding subsection (a), an individual may take not more than twenty-five (25) of any combination of bluegill, redear sunfish, and crappie per day from J. C. Murphey Lake at Willow Slough Fish and Wildlife Area in Newton County.

(c) Notwithstanding subsection (a), if a bowfin contains roe, the roe must remain intact and inside the body of the fish while on the body of water or adjacent to the water being fished, and until processing of the fish begins.

(d) An individual must not:

- (1) screen;**
- (2) wash;**
- (3) otherwise process;**
- (4) preserve;**
- (5) store;**
- (6) maintain possession for more than twenty-four hours;**
- (7) gift to any other individual; or**
- (8) sell;**

the removed roe of a bowfin without a roe harvester's license issued under 312 IAC 9-8-7.

(Natural Resources Commission; 312 IAC 9-7-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 17. 312 IAC 9-7-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-15 Lake Whitefish

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 12. (a) An individual may take or possess not more than twelve (12) lake whitefish per calendar day.

SECTION 18. 312 IAC 9-7-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-20 Shovelnose sturgeon

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 20. (a) An individual must not take or possess a shovelnose sturgeon unless the shovelnose sturgeon is at least twenty-five (25) inches in fork length.

(b) Notwithstanding subsection (a), if applicable (has roe), the roe must remain intact and inside the body of the fish while on the body of water or adjacent to the water being fished, and until processing of the fish begins.

(c) An individual must not:

- (1) screen;
- (2) wash;
- (3) otherwise process;
- (4) preserve;
- (5) store;
- (6) maintain possession for more than twenty-four hours;
- (7) gift to any other individual; or
- (8) sell;

the removed roe of a shovelnose sturgeon without a roe harvester's license issued under 312 IAC 9-8-7.

(Natural Resources Commission; 312 IAC 9-7-20; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 19. 312 IAC 9-9-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-4 Endangered species of invertebrates

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 4. The following species of invertebrates are endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Rabbitsfoot (*Quadrula cylindrica cylindrica*).
- (2) Sheepnose (*Plethobasus cyphus*).
- (3) Clubshell (*Pleurobema clava*).
- (4) Pyramid pigtoe (*Pleurobema rubrum*).
- (5) Fanshell (*Cyprogenia stegaria*).
- (6) Snuffbox (*Epioblasma triquetra*).
- (7) Orangefoot pimpleback (*Plethobasus cooperianus*).
- (8) Pink mucket (*Lampsilis abrupta*).
- (9) Fat pocketbook (*Potamilus capax*).
- (10) Rough pigtoe (*Pleurobema plenum*).
- (11) Tubercled blossom (*Epioblasma torulosa torulosa*).
- (12) White catspaw (*Epioblasma obliquata perobliqua*).
- (13) Northern riffleshell (*Epioblasma torulosa rangiana*).
- (14) Longsolid (*Fusconaia subrotunda*).
- (15) White wartyback (*Plethobasus cicatricosus*).
- (16) Rayed bean (*Villosa fabalis*).

(17) Round hickorynut (*Obovaria subrotunda*).

(Natural Resources Commission; 312 IAC 9-9-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002, 12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)